

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

MFA.No. 1030 of 2000(A)

O.P(MV).NO.778/1996 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, THODUPUZHA.

APPELLANT/PETITIONER:

SHAJI MATHEW,
KUNNEL HOUSE,
VAZHAVARA,
KATTAPPANA.

BY ADV. SRI.T.K.KOSHY.

RESPONDENTS/RESPONDENTS:

1. P. VIJAYAN,
THEKKELAPUTHENVEETIL,
ERUPATHEKKAR,
KATTAPPANA KARA,
KATTAPPANA VILLAGE,
IDUKKI DISTRICT.
2. C.K. KURIAN, CHENNATHUMATTOM,
KATTAPPANA, IDUKKI DISTRICT.
3. THE BRANCH MANAGER,
THE ORIENTAL INSURANCE CO. LTD.,
THODUPUZHA.

BY ADV. SRI.M.JACOB MURICKAN FOR R3,
SRI.A.K.RAMACHANDRAN.

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION
ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.F.A. No. 1030 of 2000

Dated this the 14th day of June, 2007

Judgment

Koshy, J.

Appellant/Claimant met with an accident due to the negligence of the driver of the vehicle insured by the third respondent insurance company. Against a claim of Rs.50,000/- as compensation, tribunal has granted only Rs.20,000/- as compensation. As a result of the accident, apart from abrasions, there was fracture symphysis of mandible. He was treated in St. John's Hospital, Kattappana as an inpatient for eight days and an operation was conducted on the jaw portion and steel plate and screw were fitted. He had to undergo another operation to remove the plate. He was also advised to take two months' rest. The tribunal has granted Rs.10,000/- for pain and suffering and Rs.10,000/- for loss of earning power and disability. Tribunal did not grant anything towards expenses. Petitioner has produced bills for more than Rs.5,000/-. It is the contention of the petitioner that he has undergone treatment because

he had to remove the plate and he has to spend further amount also.

2. Heard counsel for the insurance company.

3. We are of the opinion that he should be granted another Rs.5,000/- more for treatment expenses and future medical expenses as plate has to be removed. Considering the nature of disabilities, we are of the view that no further amount need be granted under other heads. The above additional amount of Rs.5,000/- should be deposited by the third respondent insurance company within two months from the date of receipt of a copy of this judgment with 9% interest from the date of application till its deposit. On deposit of the amount, claimant is allowed to withdraw the same.

J . B . KOSHY
JUDGE

K . P . BALACHANDRAN
JUDGE

vaa

**J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.**

M.F.A.NO.1030/2000

JUDGMENT

Dated:14th June, 2007